

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NE/S Satyr Hill Rd., 84 ft. * ZONING COMMISSIONER
SE of Cromwell Bridge Rd. * OF BALTIMORE COUNTY
(Cromwell Woods Subdivision) *
9th Election District * Case No. 93-313-A
6th Councilmanic District *
Cromwell Woods Ltd. Partnership
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the residential lots in the Cromwell Woods Subdivision, located near Cromwell Bridge Road and Satyr Hill Road in Baltimore County. The Petitioner, Cromwell Woods Limited Partnership, seeks relief from a series of regulations as they relate to building to building, side window to street right of way, window to side lot line, and side window to side window setbacks. Specifically, relief is sought from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policy (CMDP) to permit a 20 ft. building to building separation in lieu of the required 40 ft. for heights between 30 ft. and 40 ft., for lots 1 through 43; from Section V.B.6.a. of the CMDP to permit side window to street right of way separations of 15 ft. in lieu of the required 25 ft., for lots 1, 10, and 34; from Section V.B.6.b of the CMDP to permit window to side lot line separations of 10 ft. in lieu of the required 15 ft., for lots 1 through 43; and from Section 1801.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the CMDP to permit 20 ft. side window to side window separations in lieu of the required 40 ft. for lots 1 through 43. The provisions of the CMDP are applicable

to this property, pursuant to Section 504 of the B.C.Z.R. Further, all of the relief requested is more particularly shown on the site plan marked as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was a representative of the developer/property owner, Cromwell Woods Limited Partnership, namely, John L. Tansey. Also appearing in support of the Petition were the project engineers, Dick Baumer and Ed Haile of Deft, McCune and Walker. The Petitioner was represented by Robert A. Hoffman, Esquire. Appearing in opposition was Harvey C. Hess, III, Mr. and Mrs. Thomas Shipley, and Guy Schehlein.

An overview of the subject property discloses that the site is part of a larger tract which is 86 acres in size. The subject parcel is 38.264 acres and is predominantly zoned D.R.1 with a small portion of D.R.2. The property has previously undergone review through the development process (CRG) and the Petitioner has obtained approval to construct a residential subdivision of 43 single family dwellings. In fact, one of the lots has been developed. A number of other lots have been sold and several houses are under construction.

Mr. Tansey testified that notwithstanding the large acreage (38.264 acres) of the site, the actual building area is quite small. Specifically, there are steep slopes located on the north side of the site which prohibit any development on that portion of the tract. Thus, all of the lots have been compressed into a smaller area. Mr. Tansey testified that the developer's marketing scheme is to construct substantially sized homes consistent with other houses in the general community. Due to these marketing objectives and site constraints, little flexibility is available to the developer and potential homeowners if the setback provisions of the

B.C.Z.R. and C.M.D.P. are strictly observed. That is, many of the houses would not be permitted to have side windows and the architectural style of the dwellings would be compromised.

Mr. Tansey's testimony was echoed by Ed Haile, Chief Executive Officer/Engineer from Deft, McCune and Walker. He noted that, when the project originally obtained development approval, the buildable area of the property was thought to be approximately 20 acres. This was based on County maps and documents which were relied upon during the C.R.G. process. However, after C.R.G. approval was obtained, field surveys disclosed that the total buildable acreage was 17 acres. Thus, it was necessary to reduce many of the lots from a 100 ft. width to 80 ft. This has resulted in a smaller building envelope area which has necessitated the requested variances. Mr. Haile also commented that the proposed development is consistent with a subdivision on property which is zoned 3.5 acres; that is, the existing zoning classification and zoning regulations applicable thereto coupled with the site constraints of the property produce unusual circumstances which justify the granting of the variance.

Testifying in opposition to the Petition was Harry C. Hess, III. Frankly, it was difficult to determine the source of Mr. Hess's interest in this property and its development. He indicated that he is the owner/developer of an adjacent tract shown on the site plan as Hessian Woods. In fact, but for his ownership of a remaining unsold lot in that subdivision, he might lack standing to participate in this case. He does not live anywhere near the subject property and his development is already completed and built out except for the orphan lot which remains under his ownership.

In any event, Mr. Hess apparently encountered similar site constraints during the development of his project and believes that the subject Petitioner will not obtain a suitable economic return for its investment on the subject tract. Needless to say, that issue is the developer's concern and not related to the question presented to me.

Also testifying was Thomas Shipley. Mr. Shipley's interest is more understandable in that he owns property immediately adjacent to the site. However, many of his concerns center on his obvious preference that the property not be developed at all. That is, Mr. Shipley complained about the manner in which the property received developmental approval through the C.R.G. process and many of the issues related thereto. His concerns did not specifically bear on the merits of the variances presented. In fact, many of the concerns voiced by Messrs. Hess and Shipley dealt with the deficiencies of the CRG process from a community input standpoint. I concur that that process needed overhaul and, in fact, was replaced by the new/current development regulations which promote community participation and input. Nonetheless, these "development" issues are irrelevant to the narrow issue before me arising from the requested variance.

Lastly, testimony was received from Mr. Schehlein. He is the owner of one of the subject lots in the subdivision and apparently attended the hearing to identify the issues presented. When the issue was explained, Mr. Schehlein appeared to support the Petition so that additional flexibility can be granted to builders during the construction of the homes. A brief comment is appropriate about the Zoning Plans Advisory Committee memorandum from the Office of Planning and Zoning. Although supporting the Petition based upon the unusual site constraints, the Office of Planning and Zoning staff rejects the written rationale for variance set forth

in the Petition. I concur with the Office of Planning's analysis in this respect.

A variance may be granted where strict application of the subject zoning regulation would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, supra

It is clear from the testimony that if the variances are granted, the development of this site will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that the Petitioner will suffer a practical difficulty if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the site constraints unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health,

safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5 day of May 1993 that a variance from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policy (CMDP) to permit a 20 ft. building to building separation, in lieu of the required 40 ft. for heights between 30 ft. and 40 ft., for lots 1 through 43, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section V.B.6.a. of the CMDP to permit side window to street right of way separations of 15 ft. in lieu of the required 25 ft., for lots 1, 10, and 34, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section V.B.6.b of the CMDP to permit window to side lot line separations of 10 ft. in lieu of the required 15 ft., for lots 1 through 43, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the CMDP to permit 20 ft. side window to side window separations, in lieu of the required 40 ft. for lots 1 through 43, all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason,

this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 4, 1993

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson Maryland 21204

RE: Case No. 93-313-A
Petition for Zoning Variance
Cromwell Woods Limited Partnership

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

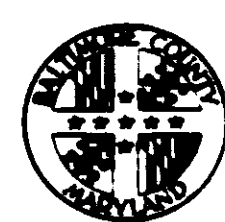
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mnn

att.
cc: Mr. John L. Tansey
Messrs. Edward Haile and Richard Baumer
Mr. Harvey C. Hess III
Mr. and Mrs. Thomas Shipley
Mr. Guy Schehlein



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at
Cromwell Woods Subdivision
Cromwell Bridge Road & Satyr Hill Rd.
which is presently zoned DR 1 & DR 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from (Section(s))
See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
These requested variances would essentially conform with the presently existing D.R. zone setbacks. Strict compliance with the old standards is unnecessarily burdensome and creates a genuine condition of practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Owner:

Type or Print Name

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

(We, as property owners and officers, under the penalties of perjury, that true and the legal owners of the property which is the subject of this Petition.)

Legal Owner(s):

CROMWELL WOODS LIMITED PARTNERSHIP

BY: Poffel & Walker, Inc., General Partner

BY: Wm. Fred Walker, IV - Exec. V.P.

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 25, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-313-A (Item 316)
W/S Satyr Hill Road, 94' SE of Cromwell Bridge Road
Cromwell Woods Subdivision
9th Election District - 6th Councilmanic
Petitioner(s): Cromwell Woods Limited Partnership
HEARING: MONDAY, APRIL 26, 1993 at 9:00 a.m. in Rm. 118, Courthouse.

Variance to permit 20 foot building to building separation in lieu of the required 40 feet for heights between 30 feet and 40 feet (for lots 1 through 43); to permit side window to street right-of-way separations of 15 feet in lieu of the required 25 feet (for lots 1, 10, and 34); to permit 10 foot window to side lot line separation in lieu of the required 15 feet (for lots 1 through 43); and to permit 20 foot side window to side window separation in lieu of the required 40 feet (for lots 1 through 43).

Arnold Jablon
Arnold Jablon
Director

cc: Cromwell Woods Limited Partnership
Robert A. Hoffman, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.



Printed on Recycled Paper



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 20, 1993

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 93-313-A, Item No. 316
Petitioner: Cromwell Woods Limited Partnership
Petition for Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 16, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 5, 1993
Zoning Administration and Development Management
FROM: Robert W. Bowling, Senior Engineer *RWB/DAK*
Development Plan Review
RE: Zoning Advisory Committee Meeting
for April 5, 1993
Item No. 316

The Development Plan Review Division has reviewed the subject zoning item. We have no comment on the proposed variances; however, we wish to note that the plan does not show a Lot #12, which should be on the west side of Ravenridge Road opposite Woodriven Court.

RWB:DAK:s



4-14-93

HELEN KEHRING
Ms. Helen Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: +316 (LEO)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5088 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

DATE: April 14, 1993

TO: Larry Schmidt, Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Cromwell Woods

INFORMATION:

Application Number: Item 316

Petitioner: Poffel & Walker, Inc.
Cromwell Woods Ltd. Partnership
1922 Greenspring Dr - STE 1
Timonium MD 21093

Property Size: 38.264± acres

Zoning: DR 1, 2

Requested Action: Variances between building setbacks and building to property line and/or tract boundary

Hearing Date: / /

SUMMARY AND RECOMMENDATION

The Petitioner has submitted a request to provide for setbacks as outlined in Bill 2-92 and the Comprehensive Manual of Development Policies (CMDP) which became effective on March 2, 1992. Cromwell Woods has received CRG approval for 43 single-family detached dwellings. The project is located at the northeast intersection of Cromwell Bridge Road and Satyr Hill Road. The site has been graded and contains curbing as well as a compacted road surface. Approximately 6 homes have been constructed to-date with 2 or 3 of the homes currently occupied.

The CMDP (see Attachment A) anticipated that projects approved under the CRG process would be desirous of obtaining the new DR building setbacks without going through the new development review process. It was not the intent of

MEMO TO: Larry Schmidt, Zoning Commissioner
DATE: April 14, 1993
SUBJECT: Cromwell Woods

the CMDP to allow circumvention of the new process. It was, therefore, stated to the homebuilders that no CRG Plan that had not been at least partially constructed would be considered for blanket variances. In certain cases where a developer had begun construction, and it was found that the window to window (40') setbacks were creating problems in the siting of buildings on the lots, staff would evaluate these situations on a case by case basis.

On Friday, April 2, 1993 staff visited Cromwell Woods to assess the impact that the existing regulations were having on the built environment. The inspection revealed that homes had already been constructed to have blank side walls in order to maintain the required building setbacks. In two instances buildings with bay windows necessitated in blank walls being placed opposite these windows. As is the case most single-family detached development, perspective buyers are offered a wide range of housing styles and housing options. When buyers select window options on the sides of homes, adjoining lots are restricted from choosing similar options. Based upon the site visit and analysis conducted, staff recommends APPROVAL of the petitioners request.

Although supportive of the Petitioners request, staff feels compelled to comment upon the Petitioner's stated rationale for the variances. The Petitioner states that "strict compliance with the old standards is unnecessarily burdensome and creates a genuine condition of practical difficulty". It is hard for staff to imagine worse logic than is included in this statement. Obviously, when the CRG Plan was developed, and approved in conformance with all existing regulations and standards no such hardship existed. If in fact the CRG was erroneously approved because the development couldn't meet existing zoning, then there is absolutely nothing prohibiting the Petitioner from correcting the so called burdensome regulations by resubdividing and obtaining approval through the new development process. This particular statement has struck a discordant note with staff.

PK:hjs

Attachment

CROMWELL.PK/TEXTBVO

Blanket Variances

Blanket Variances

The CMDP is a design driven document. It sets the building to building relationships and the location of a building in relation to lot-lines and rights-of-way. Consequently, the central element of a subdivision plan is the building footprint, which outlines a house's exterior perimeter, or in certain instances, building restriction lines which outline the building envelope. On development plans these footprints become the building restriction lines. Any change in these lines is a change in the spatial relationships established by the CMDP.

The redesign of a subdivision around a larger building than can be accommodated by the footprint on the development plan results in a request for a blanket variance. Since this would alter the spatial relationships established for each house type, the request for blanket variances should only be considered in unusual circumstances. In these cases the appropriate solution is to resubdivide (re-design) the site to accommodate the larger buildings rather than approve blanket variances.

Single Family Detached

Building Type: Single Family Detached, Semi-Detached and Duplex Dwellings

Location: DR 1, 2

Minimum setback requirements:

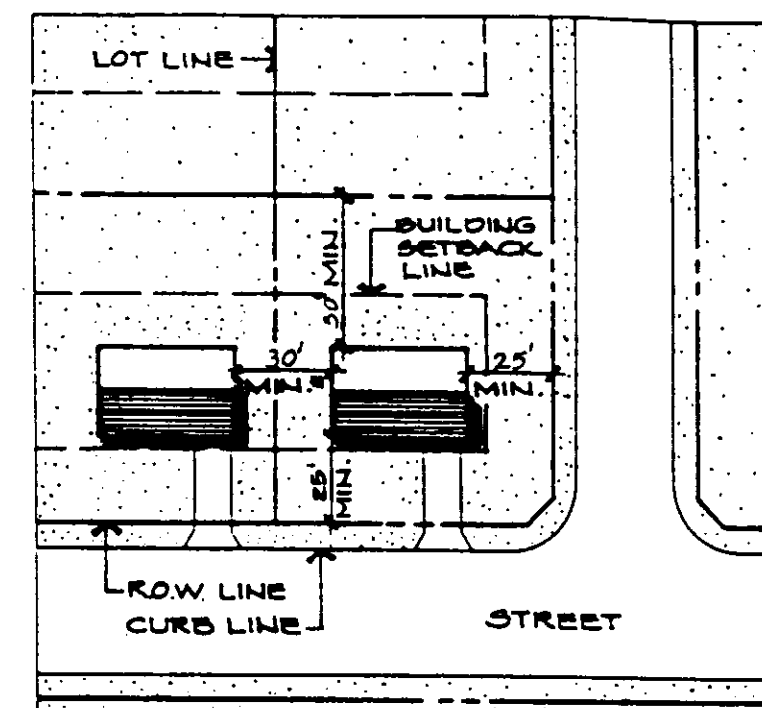
- From a front building face to a public street right-of-way or property line -- 25 feet
- Between side building faces -- 30 feet
- From a rear building face to a rear property line or public street right-of-way -- 30 feet
- From a side building face to a public street right-of-way and/or tract boundary -- 25 feet
- From side or front building face to the edge of paving of a private road -- 35 feet
- Setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet.

Building height requirement:

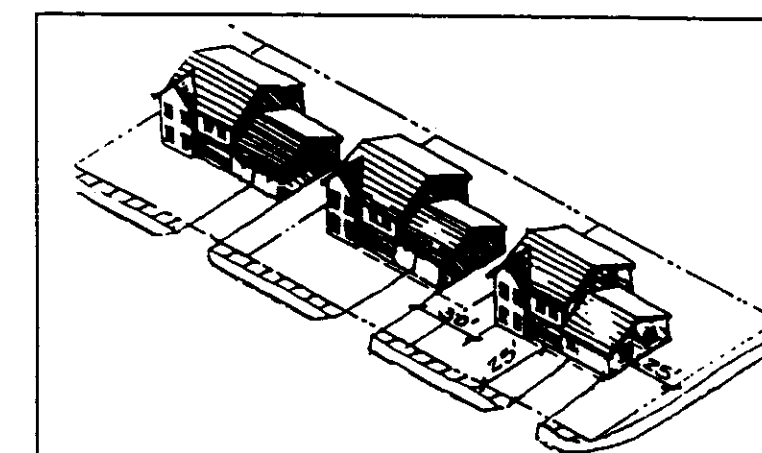
Maximum building height -- 50 feet.

Other requirements:

Open Space shall be provided in accordance with the Baltimore County Local Open Space Manual. Landscaping shall



Minimum setbacks for single family detached, semi-detached and duplex units in D.R. 1 and 2 zones.



Perspective view, minimum setbacks in D.R. 1 and 2

be provided in accordance with the Baltimore County Landscape Manual.

Where properties are split-zoned, dwellings in DR 1 and 2 must use the standards for that zone.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 7, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #316
Cromwell Woods
Zoning Advisory Committee Meeting of March 29, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. Development of the property must comply with the 1986 Water Quality Policy which was the regulation in effect at the time of CRG approval of this project.

JLP:jbm

CROMWELL/TXTRMP

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF RECREATION & PARKS

Zoning Advisory Committee Comments
relating to agenda of 3/29/93

The Department of Recreation and Parks submits a reply of "NO COMMENT" for the following item numbers:
* 314, * 315, * 316, * 317, * 319, * 320, * 321, * 322,
* 324

There are no other items on the agenda aside from the above.

Patrick J. McDougall
Master Plan Coordinator

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 14, 1993

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

RE: Cromwell Woods - Lots 1 through 43
Variance Case No. 93-313-A

Dear Mr. Hoffman:

With reference to the above captioned case, I am returning herewith your letter dated September 28, 1993 with a handwritten notation and my signature affixed thereto. I am sure this will be in agreement with all parties concerned.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BETHESDA, MD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 887-4386
FAX (410) 887-0147

September 28, 1993

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER 4
(410) 484-6203

Lawrence E. Schmidt,
Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Cromwell Woods - Lots 1 through 43
Variance Case No. 93-313-A

Dear Mr. Schmidt:

On behalf of the Cromwell Woods Limited Partnership, I am writing to request a clarification of your Order, dated May 5, 1993, in the above-referenced case. Per our discussion some time ago, my client would like to confirm that the 20-foot building-to-building separation approved in this case in lieu of the required 40-foot separation for buildings with heights between 30-40 ft., also applies to any homes on Lots 1 through 43 with a proposed height between 20-30 ft.

As you will recall, Case No. 93-313-A involved a number of different variance requests for the Cromwell Woods subdivision which were necessitated by the property's steep slopes and other site-specific constraints. One of the variances requested was from § 1801.2.C.1 BCZR and § V.B.3 CNDP to allow a 20-ft. building-to-building separation for those proposed homes with a maximum height between 30-40 ft. This request applied to Lots 1 through 43 of the subdivision and was made in lieu of the required 40-ft. separation for buildings of this height. However, in addition to the 40-ft. building-to-building separation required for buildings between 30-40 ft. in height, § V.B.3 CNDP contains lesser building-to-building separation requirements for buildings under 30 ft. in height. Buildings between 25-30 ft. in height have a 30-ft. building-to-building separation, while buildings between 20-25 ft. in height are required to have a 25-ft. separation.

Lawrence E. Schmidt
September 28, 1993
Page 2

We would respectfully submit and I believe you agreed that the approved 20-ft. building-to-building separation for buildings between 30-40 ft. in height also applies to any proposed homes on Lots 1 through 43 of the subject subdivision which will be between 20-30 feet in height. The rationale behind this conclusion is that of the "lesser included variance." Since the 20-ft. building-to-building separation which has been approved results in only a 10-ft. variance for buildings between 25-30 ft. in height, and only a 5-ft. variance for buildings between 20-25 ft. in height (as opposed to the 20-ft. variance approved in your Order for buildings between 30-40 ft. in height), we believe any buildings between 20-30 ft. in height on Lots 1 through 43 are within the purview of the approved variance. Moreover, because the practical difficulty which has been demonstrated for this site arises due to the limited buildable area, the need for the same 20-ft. building-to-building separation certainly applies regardless of the proposed height of any of the homes.

Accordingly, we would appreciate your consideration of this matter and, if you still concur with our conclusion, please indicate by affixing your signature below.

Yours truly,

Robert A. Hoffman

Lawrence E. Schmidt

Date

GPW/dok
enclosure

cc: Mr. John Tansey
Ms. Jean Tansey

SCHMIDT4.GPW

¹ For buildings between 25-30 ft. in height, the distance variances would be as follows:
30 ft. separation required
20 ft. separation approved
10 ft. distance variances

² For buildings between 20-25 ft. in height, the distance variances would be as follows:
25 ft. separation required
20 ft. separation approved
5 ft. distance variances

Mr. Lawrence Schmidt
1114 Chesapeake Avenue
Towson MD 21204

Dear Mr. Schmidt,

I am writing in opposition to variances requested in case # 93-313-A Item 316 for the following reasons:

1. Larger houses will create more run off in this already problem area.
2. Houses in surrounding neighborhoods are spaced with greater distances.
3. This circumvents all the CRG process when agreements were made with surrounding communities.

Sincerely,
Tom Chanawith
Tom Chanawith
9221 Smith Avenue
Baltimore, MD 21234-1412

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Harry C. Hess III
MR & MRS. JAMES SCHUPP
Guy Scheiklin

9300 Flagstone Dr 21234
2214 Smith Ave 21254
8 Wood Run Ct

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

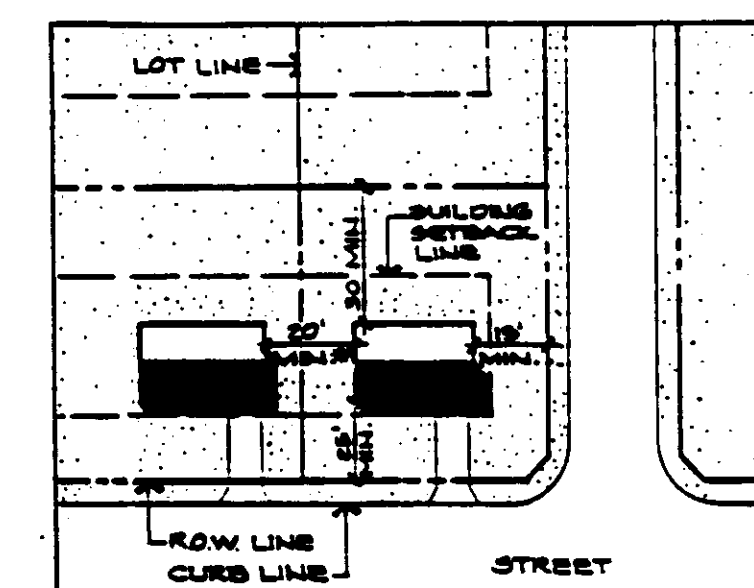
NAME

ADDRESS

Rob Hoffman
John L. Tansey
Dick Bouman
Ed Haile

210 Allegheny Ave 21204
1922 Greenfield Dr.
200 E Pennsylvania Ave 21206

Single Family Detached



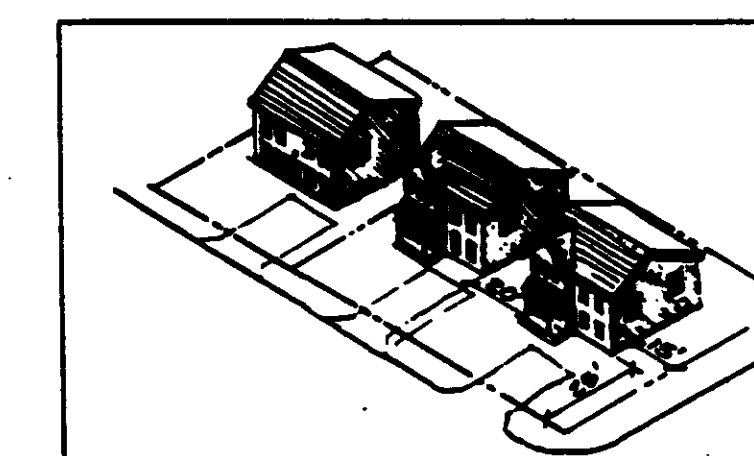
Building Type: Single Family Detached, Semi-Detached and Duplex Dwellings

Location: DR 3.5, 5.5, 10.5, 16

Minimum setback requirements:

- From a front building face to a public street right-of-way or property line - 25 feet
- Between side building faces - 16 feet for buildings up to 20 feet in height, and 20 feet for buildings with heights greater than 20 feet
- From a rear building face to a rear property line or public street right-of-way - 30 feet
- From a side building face to a public street right-of-way and/or tract boundary - 15 feet
- From side or front building face to the edge of paving of a private road - 25 feet
- Setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet.

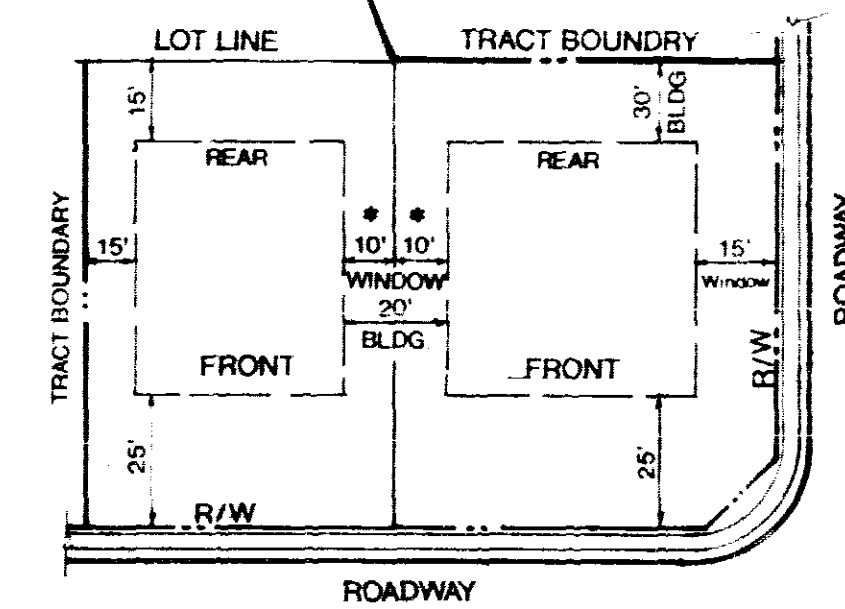
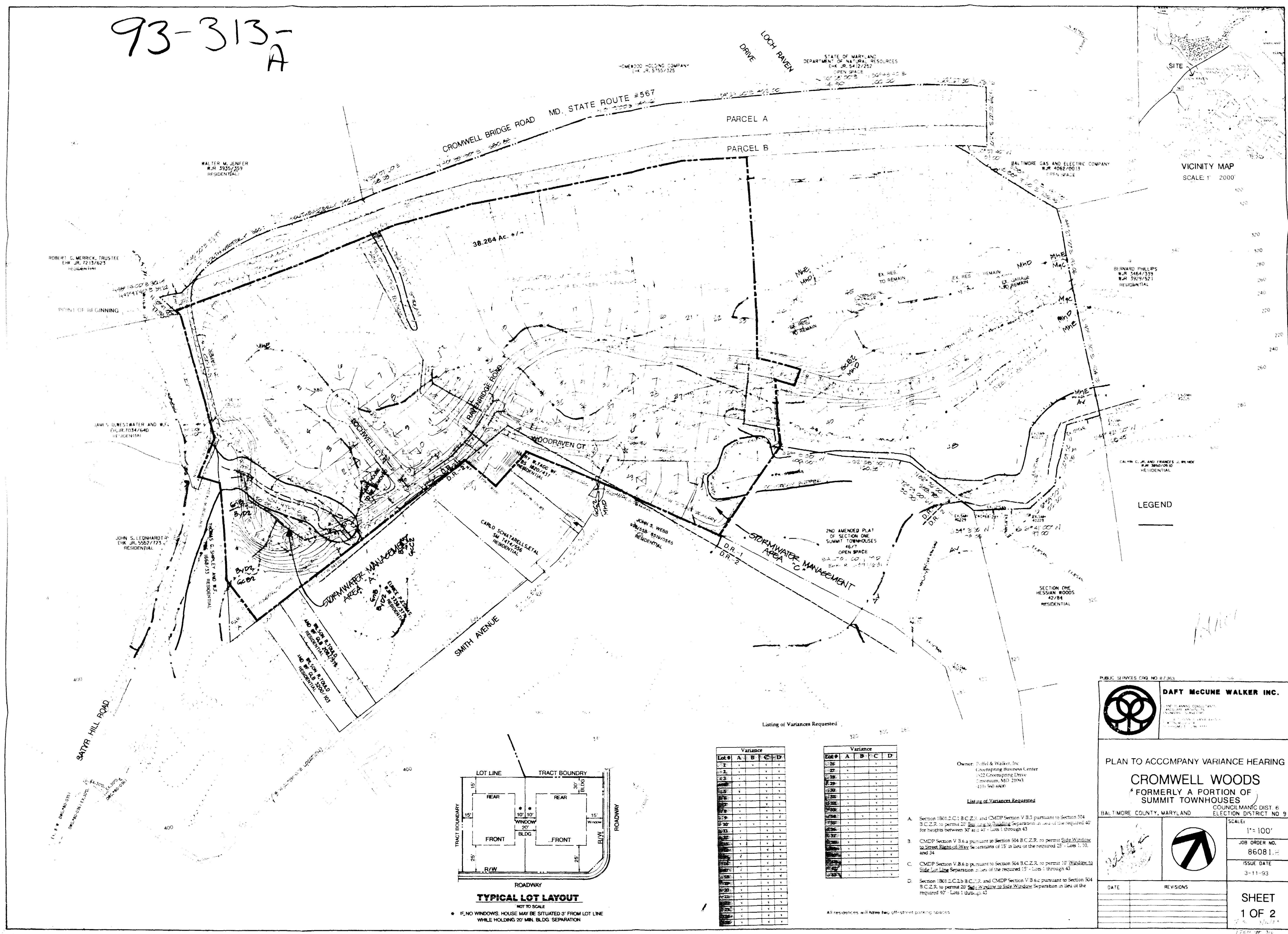
Minimum setbacks for single family detached, semi-detached and duplex units in D.R. 3.5, 5.5, 10.5 and 16 zones



Perspective view, minimum setbacks in D.R. 3.5, 5.5, 10.5 and 16

RESIDENTIAL STANDARDS 5

93-313-A



TYPICAL LOT LAYOUT
NOT TO SCALE
• IF NO WINDOWS, HOUSE MAY BE SITUATED 3' FROM LOT LINE WHILE HOLDING 20' MIN. BLDG. SEPARATION

Listing of Variances Requested

Lot #	A	B	C	D
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47				
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
60				
61				
62				
63				
64				
65				
66				
67				
68				
69				
70				
71				
72				
73				
74				
75				
76				
77				
78				
79				
80				
81				
82				
83				
84				
85				
86				
87				
88				
89				
90				
91				
92				
93				
94				
95				
96				
97				
98				
99				
100				

Lot #	A	B	C	D
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47				
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
60				
61				
62				
63				
64				
65				
66				
67				
68				
69				
70				
71				
72				
73				
74				
75				
76				
77				
78				
79				
80				
81				
82				
83				
84				
85				
86				
87				
88				
89				
90				
91				
92				
93				
94				
95				
96				
97				
98				
99				
100				

- Owner: Duffell & Walker, Inc.
Corresponding Business Center
1422 Greenpoint Drive
Baltimore, MD 21203
(410) 560-6800
- Listing of Variances Requested
- A. Section 1801.2 C.1 B.C.Z.R. and CMDP Section V.B.3 pursuant to Section 504 B.C.Z.R. to permit 20' Building Separation in lieu of the required 40' for heights between 30' and 40' - Lots 1 through 43
 - B. CMDP Section V.B.4 pursuant to Section 504 B.C.Z.R. to permit Side Window to Street Right-of-Way Separation of 15' in lieu of the required 25' - Lots 1, 10, and 34
 - C. CMDP Section V.B.6 pursuant to Section 504 B.C.Z.R. to permit 10' Windows to Side Lot Line Separation in lieu of the required 15' - Lots 1 through 43
 - D. Section 1801.2 C.2.9 B.C.Z.R. and CMDP Section V.B.6 pursuant to Section 504 B.C.Z.R. to permit 20' Side Lot Line to Side Window Separation in lieu of the required 40' - Lots 1 through 43

All residences will have two off-street parking spaces

DAFF McCUNE WALKER INC.

ARCHITECTURAL CONSULTANTS
AND ENGINEERS
1422 GREENPOINT DRIVE
BALTIMORE, MD 21203
(410) 560-6800

PUBLIC SERVICES CHG. NO. 17/363

PLAN TO ACCOMPANY VARIANCE HEARING

CROMWELL WOODS
FORMERLY A PORTION OF
SUMMIT TOWNHOUSES

BALTIMORE COUNTY, MARYLAND
COUNCILMANIC DIST. 6
ELECTION DISTRICT NO. 9

Scale: 1" = 100'

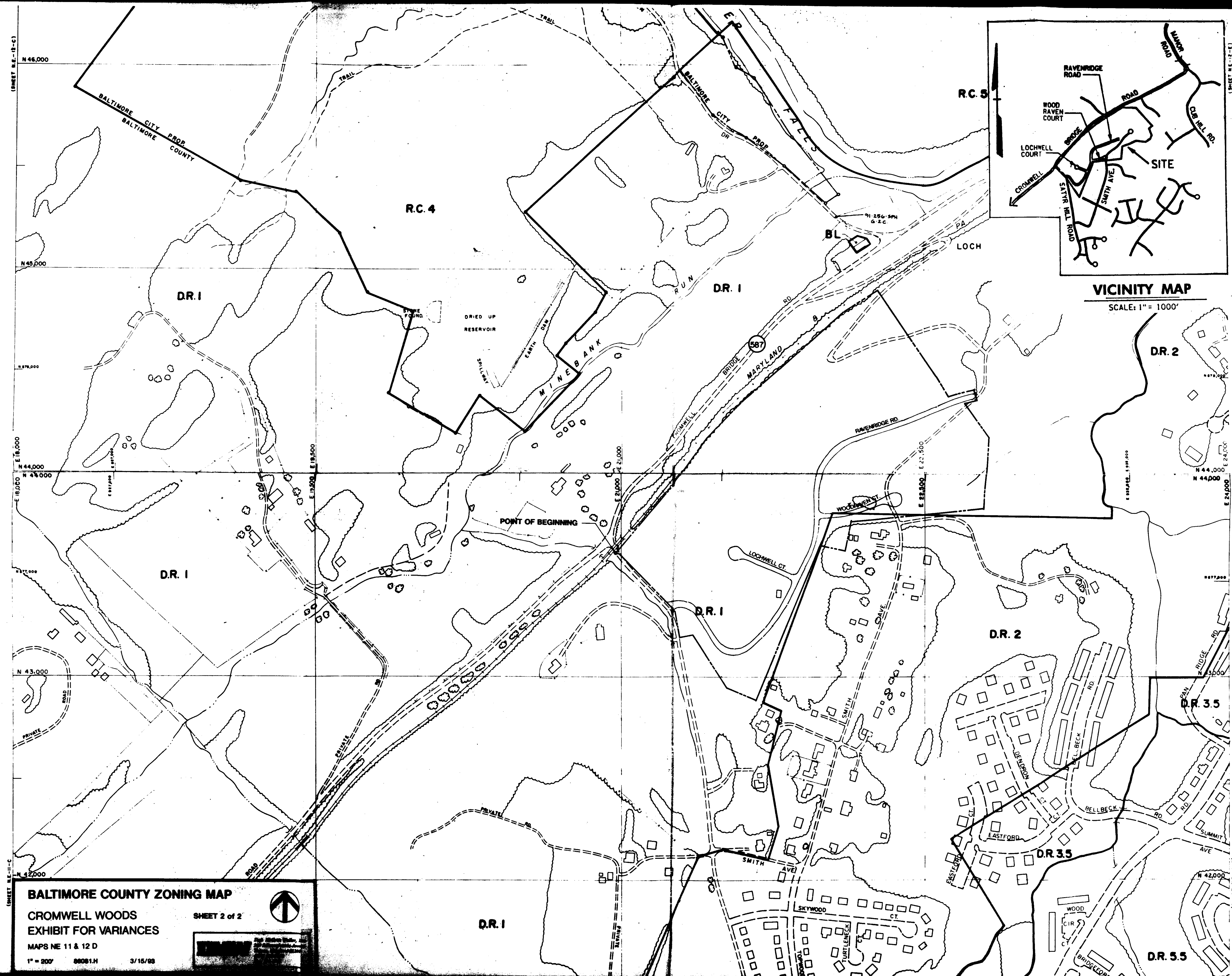
JOB ORDER NO.
86081

ISSUE DATE
3-11-93

DATE _____

REVISIONS _____

SHEET
1 OF 2



93-313-A

20 3/14/93
ITEM # 316